

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 28, 2005

DIVISION ONE

B180415 In re Rocha (Certified for Publication)
 on
 Habeas Corpus

The petition for writ of habeas corpus is granted, and the judgment of the Los Angeles County Superior Court in *People v. Mario Rocha*, No. BA130020, is vacated in its entirety. Upon finality of this opinion, the Clerk of the Court of Appeal shall remit a certified copy of this opinion and order to the Los Angeles County Superior Court for filing, and respondent shall serve another copy thereof on the prosecuting attorney in conformity with Penal Code section 1382, subdivision (a)(2). (*In re Jones* (1996) 13 Cal.4th 552, 588.) The People remain free to retry petitioner for the crimes at issue.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Rothschild, J.

B178992 County of Los Angeles (Not for Publication)
 v.
 Harco National Insurance Company

The summary judgment forfeiting Harco's bond and the order denying the motion to set aside that judgment are reversed. The case is remanded for the trial court to enter orders granting the motion, vacating the forfeiture, and exonerating the bond. Harco is awarded its costs on appeal.

Rothschild, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

December 28, 2005 (Continued)

DIVISION ONE (Continued)

B178901 People (Not for Publication)
B180117 v.
Smith & Montgomery

The true finding as to the prior serious felony conviction in case number BA032635 alleged against defendant Smith is reversed. The judgment against defendant Smith is modified to strike one of the five-year enhancements imposed for prior serious felony convictions. As so modified, the judgment is affirmed. The clerk of the court is directed to prepare an amended abstract of judgment and forward a copy to the Department of Corrections. The judgment against defendant Montgomery is affirmed.

Spencer, P.J.

I concur: Mallano, J.
I concur in the judgment only: Vogel (Miriam A.), J.

B182596 People (Not for Publication)
v.
Miguel Sanchez

The judgment is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Rothschild, J.

B182010 People (Not for Publication)
v.
Cheo Francisco Medina

The judgment is affirmed.

Spencer, P.J.

I concur: Mallano, J.
I concur in the judgment only: Vogel, J.

December 28, 2005 (Continued)

DIVISION ONE (Continued)

B185909 Debbie G. (Not for Publication)

V.

The Superior Court of Los Angeles County

Los Angeles County Department of Children and Family Services

The petition is dismissed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B180974 People (Not for Publication)

V.

Keith T.

The order adjudicating appellant a ward of the juvenile court and placing him home on probation is modified to strike the finding that the allegation appellant assaulted a school employee is true and to strike the maximum term finding. As modified, the order is affirmed.

Spencer, P.J.

I concur: Mallano, J.

I concur in the judgment only: Vogel, J.

B183384 People (Not for Publication)

V.

Carlos Valenzuela

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

DIVISION ONE (Continued)

B182888 Los Angeles County, D.C.S. (Not for Publication)
v.
Ana Marie R.

The orders are affirmed.

Spencer, P.J.

I concur: Mallano, J.
I concur in the judgment only: Vogel, J.

B180333 People (Not for Publication)
v.
Carlos Albert Gaitan

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

B183160 People (Not for Publication)
v.
Felipe Higareda Sandoval

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

December 28, 2005 (Continued)

DIVISION ONE (Continued)

B178309 People (Not for Publication)
v.
Arlin Earl Lampkin, Jr.

The judgment is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Rothschild, J.

B178418 People (Not for Publication)
v.
Braulio Torres

The judgment is affirmed.

Spencer, P.J.

I concur: Rothschild, J.
I concur in the judgment only: Vogel, J.

DIVISION TWO

B173959 Kern (Not for Publication)
v.
University of Southern California

The judgment is affirmed. USC & Dr. Hahn shall recover costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (Continued)

B179038 Long Beach Unified School District (Not for Publication)
 v.
 State of California et al.

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B177798 Chen (Not for Publication)
 v.
 Rosenstein et al

The judgment is affirmed. Respondent(s) to recover costs.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B172905 Levy et al. (Not for Publication)
 v.
 Daneshard

Daneshrad shall recover his costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

December 28, 2005 (Continued)

DIVISION THREE

B181671 People v. Brown (Not for Publication)

The judgment as to defendant and appellant Melvin Brown is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B183768 The New York Times Company (Certified for Publication)
v.
Superior Court, Los Angeles County
(Wall Street Network, Ltd., r.p.i.)

Let a writ of mandate issue, directing the trial court to vacate its order granting WSN's motion for reconsideration; vacate its resultant denial, on reconsideration, of NYT's motion for summary adjudication on the remaining cause of action; and reinstate its order granting the motion for summary judgment. NYT is to recover its costs in this writ proceeding.

Epstein, P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B179324 Three JW Partnership
v.
Allen Weiss

Filed order vacating submission order of 12/08/05. At request of appellant.
matter rescheduled for oral argument January 11, 2006, at 1:00 pm.

DIVISION FIVE (Continued)

B176639 People (Not for Publication)
v.
George Chavez

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
Kriegler, J.

DIVISION SEVEN

B177869 People (Certified for Partial Publication)
v.
Jesus O.

Probation condition number 21 is modified to read, "Do not use or possess narcotics, controlled substances, poisons, or related paraphernalia; stay away from places where persons whom you know to use illegal drugs or substances congregate." The cause is remanded with directions for the juvenile court to reduce the offense in count one to the misdemeanor offense of petty theft and to recalculate the theoretical maximum period of confinement. In all other respects the juvenile court's order is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B183538 People (Not for Publication)
v.
Whetstone

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

December 28, 2005 (Continued)

DIVISION SEVEN (Continued)

B179426 People (Not for Publication)
v.
Houghton

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B182593 People (Not for Publication)
v.
Castillo

The appeal is dismissed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

[illegible]

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

December 28, 2005 (Continued)

DIVISION EIGHT

B177260 Mary Butler et al.,
 v.
 City of Palos Verdes Estates et al.,

 Filed order certifying opinion for publication.